



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CTS/172394

PRELIMINARY RECITALS

Pursuant to a petition filed March 01, 2016, under Wis. Stat. § 227.42, to review a decision by the Milwaukee Enrollment Services (MES) in regard to Caretaker Supplement benefits, a telephonic hearing was held on March 24, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's Caretaker Supplement (CTS) benefits effective March 1, 2016, because her son was no longer eligible due to turning 18 years of age and not graduating from high school by age 19.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED], program coordinator
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On January 30, 2016, petitioner's son, [REDACTED], reached the age of 18 years old (DOB 1/30/1998).

3. The agency received a February 22, 2016 letter from the Director of Student Services at [REDACTED] indicating that [REDACTED] was currently an 11th grade student, and was not expected to graduate from high school until mid-June, 2017 (after attaining age 19).
4. Milwaukee Enrollment Services (MES) sent February 10, 2016 and February 26, 2016 notices to petitioner stating that her Caretaker Supplement (CTS) benefits would discontinue effective March 1, 2016, because there was no longer a minor child in her case. MES had determined that [REDACTED] will reach the age of 19 years old on January 30, 2017 (prior to his June, 2017 expected graduation from high school).

DISCUSSION

Beginning January 1, 1998, with the advent of the Wisconsin Works (W-2) program, AFDC ceased to exist in this state. Since W-2 is a work program, and SSI recipients by definition are unable to work, SSI recipients cannot qualify for W-2. The state thus implemented the Caretaker Supplement (CTS) Program, which currently pays SSI recipient parents \$250 per month for one child and \$150 per month for additional children. The program is mandated by Wis. Stat. §49.775.

To be eligible for the CTS payments the following criteria must be met: (1) the caretaker must be an SSI recipient, or if both parents are in the home, both parents must receive SSI; (2) the child or children must meet the financial and non-financial criteria for AFDC as it existed on July 16, 1996; and (3) the child or children must not receive SSI payments themselves. Wis. Stat. §49.775(2).

State statute defines CTS eligible children as minors or dependent 18-year-olds. Dependent 18-year-olds are young adults who reside with at least one parent and who have not yet reached their 19th birthday. Furthermore, **dependent 18-year-olds must be enrolled in school and expected to graduate prior to attaining age 19.** It is very important that both SSI parents and local agency workers anticipate the change in status when CTS-eligible children attain the age of 18 years, in order to prevent unnecessary CTS payment termination. When dependent 18-year-olds are home-schooled, the parent must provide written documentation of expected graduation date from the home-schooling association or agency. It is irrelevant to CTS eligibility whether minor children are enrolled in school.

(Emphasis added). Caretaker Supplement Handbook, Section 3.1.11, “18 Year Old Students.”

In this case, the county agency discontinued petitioner’s CTS benefits because it determined that [REDACTED] turned 18 years old on January 30, 2016, and was not expected to graduate from High School prior to turning 19 years old. During the hearing, petitioner did not contest those facts, but explained that [REDACTED] was still fully dependent and a special education student. However, there is no policy that provides an exception to the above rule that a dependent 18 year old must be enrolled in school and expected to graduate prior to attaining age 19. Accordingly, I must conclude that Milwaukee Enrollment Services correctly discontinued the petitioner’s Caretaker Supplement benefits effective March 1, 2016 because her son was no longer eligible due to turning 18 years of age and not graduating from high school by age 19.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly discontinued the petitioner’s Caretaker Supplement benefits effective March 1, 2016, due to non-financial ineligibility pursuant to the Caretaker Supplement Handbook, Section 3.1.11, “18 Year Old Students.”

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby Dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 5th day of April, 2016

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 5, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability